

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference WD03E001WO	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/013994	International filing date (<i>day/month/year</i>) 09.12.2004	Priority date (<i>day/month/year</i>) 12.12.2003
International Patent Classification (IPC) or national classification and IPC A44C17/02		
Applicant W D'OR BRILLANTSCHMUCK GMBH		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <u>9</u> sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 6-10 as originally filed/furnished
- pages* 1-5, 5a received by this Authority on 23.02.2006 with letter of 21.02.2006
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1-5 received by this Authority on 23.02.2006 with letter of 21.02.2006
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 14/-4/4 as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1.	Statement		
	Novelty (N)	Claims <u>1-5</u>	YES
		Claims _____	NO
	Inventive step (IS)	Claims <u>1-5</u>	YES
		Claims _____	NO
	Industrial applicability (IA)	Claims <u>1-5</u>	YES
		Claims _____	NO
2.	Citations and explanations (Rule 70.7)		
1.	This report makes reference to the following document:		
	D1: GB 2 084 855 A		
2.	Document D1 is considered to constitute the prior art closest to the subject matter of claim 1 (and claim 4). It discloses (the references in parentheses are to that document): an article of jewellery and a process for producing the same. The article of jewellery contains an illusion gem (20) set in a bore (16) in the body (18) of the article of jewellery.		
3.	The subject matter of claim 1 (and claim 4) therefore differs from the known article of jewellery in that a holding element is formed by a rotating tool.		
4.	The subject matter of claim 1 (and claim 4) is thus novel (PCT Article 33(2)).		
5.	The technical problem addressed is to provide an		

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	<p>article of jewellery and a process which ensures an enhanced hold and an improved optical appearance of the illusion gem.</p> <p>This problem is solved by independent claim 1 and by the independent process claim 4 in that a holding element is formed by applying friction to the body of the article of jewellery, in the marginal region of the bore, by means of a <u>rotating tool</u>, then by solidifying the material eroded from the marginal region of the body which surrounds the bore.</p> <p>The advantage over the known prior art solutions is that the holding element ensures a particularly secure hold and an improved optical appearance of the decorative element.</p> <p>6. The solution to this problem, as proposed in claim 1 (and claim 4) of the present application, involves an inventive step (PCT Article 33(3)) for the following reasons:</p> <p>D1 does not disclose that the illusion gem is secured in the bore in the body of the article of jewellery by a rotating tool.</p> <p>None of the other search report citations, either alone or in combination, discloses the features of independent claims 1 and 4.</p> <p>Consequently, a person skilled in the art</p>

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	<p>proceeding from the closest prior art and seeking to solve the stated problem, would not be prompted by the prior art to modify the process described in D1 in the manner proposed in claim 4 of the present application.</p> <p>7. The subject matter of independent claims 1 and 4, and hence also of dependent claims 2, 3 and 5, is therefore novel and inventive, and the requirements of PCT Article 33 are met.</p> <p>8. The amendments submitted with the letter of 21 February 2006 essentially consist in a reformulation of the original features.</p>